

Appl. No. : 09/652113
Filed : August 29, 2000

REMARKS

By this paper, Claims 1, 24, 2-28, and 32 have been amended. Claims 2-23, 29-31, and 32-36 and remain unchanged. Thus, Claims 1-36 remain pending in the application and are presented for further examination.

Applicant would like to thank the Examiner and the telephonic interview with Applicant's representative on August 3, 2005 to discuss the present application. A summary of the interview is attached hereto. In response, Applicant has added additional language to the claims to further clarify the claimed subject matter.

I. Double Patenting Rejection

In paragraph 2 of the Office Action, the Examiner rejected Claims 4-36 under the judicially created doctrine of nonstatutory double patenting with respect to claims 1-38 of copending application no. 10/903,214.

In order to advance prosecution, Applicant has filed herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) with respect to copending application no. 10/903,214. Hence, Applicant respectfully submits that the Examiner's rejection of Claims 4-36 for obviousness-type double patenting is now overcome.

II. Claims 24-29

The Examiner's only pending rejection of Claims 24-29 is the rejection based on obviousness-type double patenting. Applicant has amended each of Claims 24 and 25 to include the limitations of Claim 4. Applicant thus submits that Claims 24 and 25 are in condition for allowance. As each of Claims 26-29 depends from Claim 25, Applicant submits that those claims are also in condition for allowance.

III. Rejection of Claims 4-18 and 30-36 under 35 U.S.C. § 102(e) over Kikinis

In paragraph 3 of the Office Action, the Examiner rejected Claims 4-18 and 30-36 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,076,109 to Kikinis. For the reasons set forth below, Applicant submits that Kikinis fails to disclose all limitations of the claims, as amended.

One embodiment presented in the claims includes a camera or other capture device that is configured to capture multimedia data. Media data, such as a stream of video image data, is

Appl. No. : 09/652113
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generated that is indicative of the data captured by the camera or other capture device. The media data may be generated according to client computer specific parameters.

By this paper, Applicant has amended independent Claims 4 and 31 to recite methods that comprise “capturing data using at least one device configured to capture multimedia data; [and] generating media data indicative of said data according to the client computer specific parameter.” In contrast, Kikinis fails to disclose at least “capturing data using at least one device configured to capture multimedia data” as recited by independent Claims 4 and 31, as amended. Applicant thus submits that Kikinis fails to teach or suggest all limitations of Claims 4 and 31, as amended. Because each of Claims 5-23, 30, and 32-36 depend from one of Claims 4 and 31, Applicant submits that Kikinis also fails to fails to teach or suggest all limitations of Claims 5-23, 30, and 32-36. Applicant therefore submits that each of Claims 4-23 and 30-36 are patentable for at least the reasons set forth above.

IV. Rejection of Claims 4-16, 19-13, and 30-36 under 35 U.S.C. § 102(e) over Sahai

In paragraph 5 of the Office Action, the Examiner rejected Claims 4-16, 19-13, and 30-36 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,594,699 to Sahai, et al. For the reasons set forth below, Applicant submits that Sahai also fails to disclose all limitations of the claims, as amended.

As noted above with reference to Kikinis, Applicant has amended independent Claims 4 and 31 to recite methods that comprise “capturing data using at least one device configured to capture multimedia data; [and] generating media data indicative of said data according to the client computer specific parameter.” In contrast, Sahai fails to disclose at least “capturing data using at least one device configured to capture multimedia data” as recited by independent Claims 4 and 31, as amended. Applicant thus submits that Sahai fails to teach or suggest all limitations of Claims 4 and 31, as amended. Because each of Claims 5-23, 30, and 32-36 depend from one of Claims 4 and 31, Applicant submits that Sahai also fails to fails to teach or suggest all limitations of Claims 5-23, 30, and 32-36. Moreover, Applicant further submits that Kikinis and Sahai also fail to teach or suggest all such limitations in combination. Applicant therefore submits that each of Claims 4-16, 19-13, and 30-36 are patentable for at least the reasons set forth above.

Appl. No. : 09/652113
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V. Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. .

Respectfully submitted,

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